

REMARKS

Claims 1-12, 14, 22-29 are pending. By this Amendment, claims 13 and 21 are cancelled, and claims 1, 2, 11 and 22-29 are amended. Support for the amendment to claim 1 can be found for example in canceled claim 13, on page 33, lines 17-28, and on page 15, lines 8-30 of the original application. Claims 2, 11, and 22-29 are amended to make the claims more in agreement with the claims they depend upon or for clarity. No new matter is introduced by the amendments.

Summary of Interview

An interview was conducted between Examiner Nguyen and the Applicant's representative Dr. Mengmeng Fahrni on December 22, 2009. During the interview, Examiner Nguyen expressed concern that the claim language was too broad and recommended amendment of independent claim 1 to specifically point out the fibers form a filtration structure and are associated with a tether or delivery tool. Dr. Fahrni agreed to amend the claims based on Examiner Nguyen's recommendation.

The relevance of reference Phillips (US 5,972,505) was also discussed. Dr. Fahrni pointed out the fibers of Phillips are used as absorbent material to presumably soak up liquid including blood, and there is no indication whatsoever in Phillips that the fibers can be used in blood vessel for filtration purposes such as claimed in the application. Examiner Nguyen agreed to reconsider the rejections if the claims are amended to particularly point out the filtration structure and the associated delivery tool.

Claim Rejections – 35 USC § 102

Claims 1-8 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Phillips et al. (US 5,972,505). The applicants respectfully submit that the teachings of Phillips do not

teach each and every feature of the claimed invention. Phillips describes fibers capable of spontaneously transporting fluids that are used in absorbent articles. Phillips is completely silent with regard to use the fibers to form a porous filtration structure that is associated with a delivery tool, as in claim 1 of the present application. There is no indication in Phillips whatsoever to make embolic device with the fibers of Phillips. Phillips does not teach or suggest the fibers are intended to be put into human vessel and therefore can not alone or be reasonably combined with other references to render claimed invention obvious.

The Examiner cited claim 17 of Phillips as disclosing the size limitation of the particles trapped. Respectfully, the size of claim 17 of Phillips refers to the size of the side branches of the fiber, and does not in any way indicating the ability of the fibers to trap particles with the size around or greater than 0.2 mm while allows the passage of blood as claimed in the present application. The teachings of Phillips clearly do not *prima facie* anticipate the claimed invention. Independent claim 1 therefore is allowable over Phillips. The patentability of the dependent claims follows accordingly. Withdrawal of the rejection is respectfully requested. While Applicants do not acquiesce in the assertions regarding the dependent claims, these issues are not discussed further in view of the discussion of claim 1 that makes the issue of the dependent claims presently moot.

#### Claim Rejections – 35 USC § 103

I. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. (US 5,972,505) in view of Tu et al. (US 5,061,276). The applicants respectfully submit that the teachings of Phillips and Tu alone or combined does not disclose each and every feature of the claimed invention. As discussed in the previous section, Phillips does not disclose the fibers forming a porous filtration structure that is associated with a delivery tool. Tu does not make up the deficiencies of the Phillips. In particular, Tu does not teach filter structures. The teachings

of Phillips and Tu alone or combined therefore clearly do not render the claimed invention *prima facie* obvious. Claims 9 and 10 therefore are allowable over Phillips in view of Tu. Withdrawal of the rejection is respectfully requested.

II. Claims 13-14 and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. (US 5,972,505) in view of Macoviak et al. (US 6,395,014). Claims 13 and 21 are cancelled. The cancelation makes the rejection to claims 13 and 21 moot. For the remaining rejected claims 14 and 22-29, as discussed in the previous section, Phillips does not teach or suggest the fibers are intended to be put into human vessel. Phillips explicitly describes fibers capable of spontaneously transporting fluids that are used in absorbent articles. There is not indication whatsoever in Phillips that teaches or suggests the fibers produced primarily to be used as an absorbent material can be used in a filtration structure in a patient's vessel.

Macoviak is directed for cerebral embolic protection using a cage like structure. Macoviak does not teach or suggest the use of a plurality of fibers that are known to transport fluids in absorbent material of Phillips to construct the cage like structure. The teachings of Phillips and Macoviak alone or combined does not in any way teach or suggest that the fibers of Phillips can be reasonably combined with the cage like structure of Macoviak without undue experimentation to form an effective filtration structure to be placed in a patient's vessel. Phillips in view of Macoviak therefore does not render the claimed invention *prima facie* obvious. Claims 14 and 22-29 are allowable over Phillips in view of Macoviack. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

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Respectfully submitted,

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